



Montana Department of  
**ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

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March 4, 2009

Ray Halsey  
Johnson Lane Material, LLC  
3530 Coulson Rd  
Billings, MT 59101

Dear Mr. Halsey:

The Department of Environmental Quality (Department) has made its decision on the Montana Air Quality Permit application for Johnson Lane Materials, LLC. The application was given permit number 3822-01. The Department's decision may be appealed to the Board of Environmental Review (Board). A request for hearing must be filed by March 19, 2009. This permit shall become final on March 20, 2009, unless the Board orders a stay on the permit.

Procedures for Appeal: Any person jointly or severally adversely affected by the final action may request a hearing before the Board. Any appeal must be filed before the final date stated above. The request for a hearing shall contain an affidavit setting forth the grounds for the request. Any hearing will be held under the provisions of the Montana Administrative Procedures Act. Submit requests for a hearing in triplicate to: Chairman, Board of Environmental Review, P.O. Box 200901, Helena, Montana 59620.

Conditions: See attached.

For the Department,

Vickie Walsh  
Air Permitting Program Supervisor  
Air Resources Management Bureau  
(406) 444-3490

Julie Merkel  
Air Quality Specialist  
Air Resources Management Bureau  
(406) 444-3626

VW:JM  
Enclosures

## MONTANA AIR QUALITY PERMIT

Issued To:	Johnson Lane Materials	Permit: #3822-01
	1615 Johnson Lane	Application Complete: 12/29/08
	Billings, MT 59101	Preliminary Determination Issued: 02/06/09
		Department's Decision Issued: 03/04/09
		Permit Final:
		AFS #: 777-3822

An air quality permit, with conditions, is hereby granted to Johnson Lane Materials (Johnson Lane) pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

### SECTION I: Permitted Facilities

#### A. Plant Location

Permit #3822-01 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.

#### B. Current Permit Action

The current permit action adds a diesel engine up to 1495 hp and updates the equipment in the permit to reflect the equipment operated by Johnson Lane. The permit was also written in a de minimis friendly manner to accommodate future equipment changes.

### SECTION II: Conditions and Limitations

#### A. Emission Limitations

1. All visible emissions from any Standards of Performance for New Stationary Source (NSPS)-affected crusher shall not exhibit an opacity of 15% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
2. All visible emissions from any other NSPS-affected equipment, such as screens or conveyor transfers, shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).
4. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.749).
5. Johnson Lane shall not cause or authorize the use of any street, road or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308).

6. Johnson Lane shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.5 (ARM 17.8.749).
7. Johnson Lane shall not operate more than three crushers at any given time and the maximum combined rated capacity of the crushers shall not exceed 1,025 tons per hour (TPH) (ARM 17.8.749).
8. Crushing production is limited to 8,979,000 tons during any rolling 12-month time period (ARM 17.8.749).
9. Johnson Lane shall not operate more than three screens at any given time and the maximum combined rated capacity of the screens shall not exceed 1,025 TPH (ARM 17.8.749).
10. Screening production is limited to 8,979,000 tons during any rolling 12-month time period (ARM 17.8.749).
11. Operation of the 1495 horsepower (hp) diesel engine/generator shall not exceed 3400 hours during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
12. If the permitted equipment is used in conjunction with any other equipment owned or operated by Johnson Lane, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
13. Johnson Lane shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
14. Johnson Lane shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, subpart IIII, *Standards of Performance for stationary Compression Ignition Internal Combustion Engines* and 40 CFR 63, Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, for any applicable diesel engine (ARM 17.8.340; 40 CFR 60, Subpart IIII; ARM 17.8.342 and 40 CFR 63, Subpart ZZZZ).

B. Testing Requirements

1. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures manual (ARM 17.8.106).
2. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an Intent to Transfer form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer

form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.765).

2. Johnson Lane shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but not be limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in the units required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. Johnson Lane shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted to the Department, in writing, 10 days prior to startup or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(l)(d) (ARM 17.8.745).
4. Johnson Lane shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by Johnson Lane as a permanent business record for at least 5 years following the date of the measurement, must be available at the plant site for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.749).
5. Johnson Lane shall document, by month, the crushing production from the facility. By the 25<sup>th</sup> day of each month, Johnson Lane shall calculate the crushing production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Johnson Lane shall document, by month, the screening production from the facility. By the 25<sup>th</sup> day of each month, Johnson Lane shall calculate the screening production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
7. Johnson Lane shall document, by month, the hours of operation from the diesel engine/generator. By the 25<sup>th</sup> day of each month, Johnson Lane shall calculate the hours of operation for the diesel engine/generator for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.11. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

8. Johnson Lane shall annually certify that its emissions are less than those that would require the facility to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted along with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

### SECTION III: General Conditions

- A. Inspection – Johnson Lane shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.
- B. Waiver – The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if Johnson Lane fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Johnson Lane of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided for in ARM 17.8.740, *et seq.* (ARM 17.8.756)
- D. Enforcement – Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals – Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. The issuance of a stay on a permit by the Board postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department's decision on the application is final 16 days after the Department's decision is made.
- F. Permit Inspection – As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.
- G. Permit Fee – Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by Johnson Lane may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- H. Duration of Permit – Construction or installation must begin or contractual obligations entered into that would constitute substantial loss within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall expire (ARM 17.8.762).

- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. Johnson Lane shall comply with the conditions contained in this permit while operating in any location in Montana, except within those areas that have a Department-approved permitting program or areas considered tribal lands.

Permit Analysis  
Johnson Lane Materials  
Permit #3822-01

I. Introduction/Process Description

A. Permitted Equipment

Johnson Lane Materials (Johnson Lane) owns and operates a portable crushing/screening facility consisting of up to three crushers (up to 1025 tons per hour (TPH)), up to three screens (up to 1025 TPH), one diesel engine/generator (up to 1495 horsepower (hp)), and associated equipment.

Johnson Lane is currently located at its initial location in the SE ¼ of Section 7, Township 1 North, Range 27 East, in Yellowstone County, Montana. Permit #3822-01 will apply to the source while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* Johnson Lane will be required to obtain an addendum to this air quality permit to operate at locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.

B. Source Description

Johnson Lane proposes to use this crushing/screening plant and associated equipment to crush and screen sand and gravel materials for use in various construction operations. For a typical operational setup the materials are loaded into the crushing plant by a feeder, transferred by conveyor, passed through the crusher, and sent to stockpile for sale and use in construction operations.

C. Permit History

On June 13, 2006, the Department issued **Montana Air Quality Permit (MAQP) #3822-00** to Johnson Lane for the operation of a portable crushing/screening facility.

D. Current Permit Action

The current permit action adds a diesel engine up to 1495 hp and updates the equipment in the permit to reflect the equipment operated by Johnson Lane. The permit was also written in a de minimis friendly manner to accommodate future equipment changes. **MAQP #3822-01** replaces MAQP #3822-00.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonable Available control Technology (RACT) determinations, air quality impacts, and environmental assessments, is included in the analysis associated with each change to the permit.

## II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department. Upon request, the Department will provide references for location of complete copies of all applicable rules and regulations or copies where appropriate.

### A. ARM 17.8, Subchapter 1 – General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.
3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

Johnson Lane shall comply with the requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means that, without resulting in reduction of the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

### B. ARM 17.8, Subchapter 2 – Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM<sub>10</sub>

Johnson Lane must maintain compliance with the applicable ambient air quality standards.

- C. ARM 17.8, Subchapter 3 – Emission Standards, including, but not limited to:
1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
  2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, Johnson Lane shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
  3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.
  4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
  5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.
  6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.
  7. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). Johnson Lane is considered an NSPS affected facility under 40 CFR Part 60 and is subject to the requirements of the following subparts.
    - a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart listed below;
    - b. 40 CFR 60, Subpart OOO – Standard of Performance for Nonmetallic Mineral Processing Plants. In order for a crushing plant to be subject to NSPS requirements, two specific criteria must be met. First, the crushing plant must meet the definition of an affected facility and, second, the equipment in question must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by Johnson Lane, in obtaining a generalized permit for the crushing equipment, the portable crushing/screening equipment to be used under Permit #3822-01 is subject to this subpart because of the capacity and date of manufacture of the equipment.
    - c. 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE) indicates that NSPS requirements apply to owners or operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE is manufactured after April 1, 2005, and is not a fire pump engine.

D. ARM 17.8, Subchapter 5 – Air Quality Permit Application, Operation, and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. Johnson Lane submitted the required permit fee for the current permit application.
2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department; the air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.

E. ARM 17.8, Subchapter 7 – Permit, Construction, and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain an air quality permit or permit modification to construct, modify, or use any asphalt plant, crusher or screen that has the Potential to Emit (PTE) greater than 15 tons per year of any pollutant. Johnson Lane has a PTE greater than 15 tons per year of total PM, PM<sub>10</sub>, NO<sub>x</sub>, and CO; therefore, an air quality permit is required.
3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit program.
4. ARM 17.8.745 Montana Air Quality Permits--Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that do not require a permit under the Montana Air Quality Permit Program.
5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. (1) This rule requires that a permit application be submitted prior to installation, modification, or use of a source. Johnson Lane submitted the required permit application for the current permit action. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. Johnson Lane submitted an affidavit of publication of public notice for the July 8, 2008, issue of the *Billings Gazette*, a newspaper of general circulation in the Town of Billings in Yellowstone County, as proof of compliance with the public notice requirements.
6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements

of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.

7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section III of this permit analysis.
8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.
9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving Johnson Lane of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.*
10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or modified source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.
14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

- F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:
1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
  2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source since it is not a listed source and the facility's PTE is less than 250 tons per year of any pollutant (excluding fugitive emissions).

- G. ARM 17.8, Subchapter 12 – Operating Permit Program Applicability, including, but not limited to:
1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
    - a. PTE > 100 tons/year of any pollutant
    - b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule, or
    - c. PTE > 70 tons/year of particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) in a serious PM<sub>10</sub> nonattainment area.
  2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3822-01 for Johnson Lane, the following conclusions were made.
    - a. The facility's PTE is less than 100 tons/year for any pollutant.
    - b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.
    - c. This source is not located in a serious PM<sub>10</sub> nonattainment area.
    - d. This facility is subject to current NSPS.
    - e. This facility is not subject to any current NESHAP standards.
    - f. This source is not a Title IV affected source nor a solid waste combustion unit.
    - g. This source is not an EPA designated Title V source.

Based on these facts, the Department determined that this facility is not subject to the Title V Operating Permit Program because Johnson Lane requested federally enforceable limitations to stay below Title V thresholds. However, in the event that the EPA makes minor sources that are subject to NSPS obtain a Title V Operating Permit, this source will be subject to the Title V Operating Permit Program.

### III. BACT Determination

A BACT determination is required for each new or modified source. Johnson Lane shall install on the new or modified source the maximum air pollution control capability, which is technically practicable and economically feasible, except that BACT shall be utilized.

#### Area Source Fugitive Emissions and Crushing Emissions

Two types of emissions controls are readily available and used for dust suppression of fugitive emissions at the site, fugitive emissions for the surrounding area of operations, and for equipment emissions from the crushing operation. These two control methods are water and/or chemical dust suppressant. Chemical dust suppressant could be used for dust suppression on the area surrounding the crushing operation and for emissions from the crushing operation. However, because water is more readily available, is more cost effective, is equally effective as chemical dust suppressant, and is more environmentally friendly, water has been identified as the most appropriate method of pollution control of particulate emissions for the general plant area. In addition, water suppression has been required of recently permitted similar sources. Johnson Lane may, however, use chemical dust suppressant to assist in controlling particulate emissions from the surrounding plant area.

Johnson Lane shall not cause or authorize to be discharged into the atmosphere from any NSPS - affected crusher, any visible emissions that exhibit an opacity of 15% or greater averaged over 6 consecutive minutes. Further, Johnson Lane shall not cause or authorize to be discharged into the atmosphere from any non-NSPS affected equipment, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes. Johnson Lane must also take reasonable precautions to limit the fugitive emissions of airborne particulate matter from haul roads, access roads, parking areas, and the general area of operation. Johnson Lane is required to have water spray bars and water available on site (at all times) and to apply the water, as necessary, to maintain compliance with the opacity and reasonable precaution limitations. Johnson Lane may also use chemical dust suppression, in order to maintain compliance with emission limitations in Section I.A of Permit #3822-01. The Department determined that using water spray bars, water, and/or chemical dust suppressant to maintain compliance with the opacity requirements and reasonable precaution limitations constitutes BACT for the crushing/screening operation.

Due to the relatively small amount of PM, PM<sub>10</sub>, NO<sub>x</sub>, CO, VOC, and SO<sub>x</sub> emissions produced by the diesel engine/generator, add-on controls would be cost prohibitive. Thus, the Department determined that no additional control would constitute BACT for the engine/generator. The control options selected have controls and control costs similar to other recently permitted similar sources and these controls are capable of achieving the established emissions limits.

### IV. Emission Inventory

Source	Tons/Year					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Up to 3 crushers (up to 1025 tons/hr)	5.39	2.42	0.00	0.00	0.00	0.00
Up to 3 screens (up to 1025 tons/hr)	9.88	3.32	0.00	0.00	0.00	0.00
Material Transfer	27.59	16.75	0.00	0.00	0.00	0.00
Pile Forming	35.26	16.75	0.00	0.00	0.00	0.00
Bulk Loading	1.10	1.10	0.00	0.00	0.00	0.00
Haul Roads	12.68	3.60	0.00	0.00	0.00	0.00
Generator ( up to 1495 hp)	5.59	5.59	78.79	6.38	16.98	5.21
<b>Total</b>	<b>97.49</b>	<b>41.86</b>	<b>78.79</b>	<b>6.38</b>	<b>16.98</b>	<b>5.21</b>

- A complete Emission Inventory is on file with the Department. Production limits have been placed on the facility to limit the NO<sub>x</sub> emissions below 80 TPY to keep the facility a synthetic minor of Title V.

## V. Air Quality Impacts

This permit is for a portable crushing plant to be located at various locations around Montana. This permit contains operational conditions and limitations that would protect air quality for this site and the surrounding area. Also, this facility is a portable source that would operate on an intermittent and temporary basis, so any effects to air quality will be minor and short-lived. Further, the amount of controlled particulate emissions generated by this project should not cause concentrations of PM<sub>10</sub> in the ambient air that exceed the set standard.

## VI. Ambient Air Impact Analysis

The Department determined that the impact from this permitting action will be minor. The Department believes it will not cause or contribute to a violation of any ambient air quality standard.

## VII. Taking or Damaging Implication Analysis

As required by 2-10-105, MCA, the Department conducted the following private property taking and damaging assessment.

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deny a fundamental attribute of ownership? (e.g., right to exclude others, disposal of property)
	X	4. Does the action deprive the owner of all economically viable uses of the property?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If no, go to (6)].
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally?
	X	7a. Is the impact of government action direct, peculiar, and significant?
	X	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	X	7c. Has government action lowered property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?
	X	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

Based on this analysis, the Department determined there are no taking or damaging implications associated with this permit action.

## VIII. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Permitting and Compliance Division**  
**Air Resources Management Bureau**  
**P.O. Box 200901, Helena, MT 59620**  
**(406) 444-3490**

**FINAL ENVIRONMENTAL ASSESSMENT (EA)**

*Issued To:* Johnson Lane Materials

*Air Quality Permit number:* 3822-01

*Preliminary Determination Issued:* February 6, 2009

*Department Decision Issued:* March 4, 2009

*Permit Final:*

1. Legal Description of Site: Johnson Lane submitted an application to operate a portable crushing/screening plant which will originally be located in the SE¼ of Section 7, Township 1 North, Range 27 East, in Yellowstone County, Montana. Permit #3822-01 would apply to the source while operating at any location in Montana, except within those areas having a Department approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.* Johnson Lane would be required to obtain an addendum to this air quality permit to operate at locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.
2. Description of Project: Johnson Lane proposes the addition of a diesel engine/generator (up to 1495 hp), to update the permit to reflect current permit language, and to update the equipment list in a deminimis friendly manner.
3. Objectives of Project: The object of the project would be to produce business and revenue for the company through the sale and use of aggregate. The issuance of Permit #3822-01 would allow Johnson Materials to operate the permitted equipment at various locations throughout Montana.
4. Alternatives Considered: In addition to the proposed action, the Department also considered the “no-action” alternative. The “no-action” alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the “no-action” alternative to be appropriate because Johnson Lane has demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the “no-action” alternative was eliminated from further consideration.
5. A Listing of Mitigation, Stipulations, and Other Controls: A list of enforceable conditions, including a BACT analysis, would be included in Permit #3822-01.
6. Regulatory Effects on Private Property: The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions are reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.

7. The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The “no-action” alternative was discussed previously.

		Major	Moderate	Minor	None	Unknown	Comments Included
A	Terrestrial and Aquatic Life and Habitats			X			Yes
B	Water Quality, Quantity, and Distribution			X			Yes
C	Geology and Soil Quality, Stability and Moisture			X			Yes
D	Vegetation Cover, Quantity, and Quality			X			Yes
E	Aesthetics			X			Yes
F	Air Quality			X			Yes
G	Unique Endangered, Fragile, or Limited Environmental Resources			X			Yes
H	Demands on Environmental Resource of Water, Air and Energy			X			Yes
I	Historical and Archaeological Sites			X			Yes
J	Cumulative and Secondary Impacts			X			Yes

#### **SUMMARY OF COMMENTS ON POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS:**

The following comments have been prepared by the Department.

##### **A. Terrestrial and Aquatic Life and Habitats**

Terrestrials would use the same area as the crushing and screening operation. The proposed project would be considered a minor source of emissions, by industrial standards, with intermittent and seasonal operations. Therefore, only minor effects on terrestrial life would be expected as a result of the addition of the generator and equipment operations or from pollutant deposition.

Impacts on aquatic life could result from storm water runoff and pollutant deposition, but such impacts would be minor as the facility would be a minor source of emissions (with seasonal and intermittent operations) and only minor amounts of water would be used for pollution control. Since only a minor amount of air emissions would be generated, only minor deposition would occur. Therefore, only minor and temporary effects to aquatic life and habitat would be expected from the proposed crushing/screening operation and addition of the generator.

##### **B. Water Quality, Quantity and Distribution**

Water would be used for dust suppression on the surrounding roadways and areas of operation and for pollution control for equipment operations. However, water use would only cause a minor impact to the water quality, quantity, and distribution in the area, since only small amounts of water would be required to control air pollutant emissions and deposition of air pollutants (as described in Section 7.F of this EA).

##### **C. Geology and Soil Quality, Stability and Moisture**

Because the addition of the engine along with equipment at the facility would be a minor source of emissions by industrial standards and would typically operate in areas previously designated and used for aggregate crushing, impacts from the emissions from the crushing facility would be minor.

The crushing and screening operation would have only minor impacts on soils in any proposed site location (due to the construction and use of the crushing facility) because the facility is relatively small in size, would use only relatively small amounts of water for pollution control, and would only have seasonal and intermittent operations. Therefore, any affects upon geology and soil quality, stability, and moisture at any proposed operational site would be minor.

D. Vegetation Cover, Quantity, and Quality

Because the additional engine and equipment at the facility would be a minor source of emissions by industrial standards and would typically operate in areas previously designated and used for aggregate crushing, impacts from the emissions from the crushing and screening facility would be minor.

As described in Section 7.F of this EA, the amount of air emissions from this project would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, because the water usage is minimal, as described in Section 7.B, and the associated soil disturbance is minimal, as described in Section 7.C, corresponding vegetative impacts would be minor.

E. Aesthetics

The crushing and screening operation would be visible and would create additional noise while operating in these areas. However, Permit #3822-01 would include conditions to control emissions, including visible emissions, from the plant. Also, because the crushing and screening operation is portable, would operate on an intermittent and seasonal basis, and would typically locate within an open-cut pit, any visual and noise impacts would be minor and short-lived.

F. Air Quality

The air quality impacts from the crushing and screening operations would be minor because the facility is relatively small. Permit #3822-01 would include conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. Further, Permit #3822-01 would limit total emissions from the crushing and screening operation and any additional Johnson Lane equipment operated at the site to 250 tons/year or less, excluding fugitive emissions.

This facility would be used on a temporary and intermittent basis, thereby further reducing potential air quality impacts from the facility. Additionally, the small and intermittent amounts of deposition generated from the crushing/screening operation would be minimal because the pollutants emitted would be well controlled, widely dispersed (from such factors as wind speed and wind direction) and would have minimal deposition on the surrounding area. Therefore, air quality impacts would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to unique, endangered, fragile, or limited environmental resources in the initial proposed area of operation, contacted the Montana Natural Heritage Program (MNHP). Search results concluded there are such environmental resources found within the defined area. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer.

*Lampropeltis triangulum* (Milk Snake), *Apalone spinifera* (Spiny Softshell), and *Haliaeetus leucocephalus* (Bald Eagle) are species of concern in the area. These species potential location has been identified both within and outside the defined area. In addition, the area can be

inferred to be probable occupied habitat of the *Euderma maculatum* (Spotted Bat). However, given the relatively small size of the facility, the probability that the facility would locate in a previously disturbed area, and the temporary and portable nature of the operations, any impacts would be minor and short-lived. Additionally, operational conditions and limitations within Permit #3822-01 would aid in the protection of these resources by protecting the surrounding environment. Therefore, impacts to unique, endangered, fragile, or limited environmental resources would be minor.

#### H. Demands on Environmental Resource of Water, Air and Energy

Due to the size of the facility, the crushing and screening operation would require only small quantities of water, air, and energy for proper operation. Small quantities of water would be used for dust suppression and would control particulate emissions being generated at the site. Energy requirements would also be small because the energy demands of the crushing and screening operation would be relatively small and the facility would not be used continuously. The facility would have limited production, and would have seasonal and intermittent use. In addition, impacts to air resources would be minor because the source is small by industrial standards, with intermittent and seasonal operations, and because air pollutants generated by the facility would be widely dispersed. Therefore, any impacts to water, air, and energy resources in any given area would be minor.

#### I. Historical and Archaeological Sites

In an effort to identify any historical and archaeological sites located near the proposed project area, the Department contacted the Montana Historical Society, State Historic Preservation Office (SHPO). According to SHPO records, there are no previously recorded historic or archaeological sites within the proposed area. However, SHPO stated that the absence of cultural properties in the area does not mean that they do not exist, but may reflect a lack of previous cultural resource inventories in the area (SHPO records indicate no previous cultural resource inventory has been conducted). The Department determined that the chance of the project impacting any historical and archaeological sites in the area would be minor due to the relatively small size of the project and that the crushing and screening operation would typically take place within an open-cut pit that has been permitted through the Opencut Program of the Department.

#### J. Cumulative and Secondary Impacts

The proposed project would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would generate emissions of PM and PM<sub>10</sub>. Noise would also be generated from the site. Emissions and noise would cause minimal disturbance because the equipment is small and the facility would be expected to operate in areas designated and used for such operations. Additionally, this facility, in combination with the other emissions from equipment operations at the operational site, would not be permitted to exceed 250 tons per year of non-fugitive emissions. Overall, any cumulative or secondary impacts to the physical and biological aspects of the human environment would be minor.

8. The following table summarizes the potential economic and social effects of the proposed project on the human environment. The “no-action” alternative was discussed previously.

		Major	Moderate	Minor	None	Unknown	Comments Included
A	Social Structures and Mores				X		Yes
B	Cultural Uniqueness and Diversity			X			Yes
C	Local and State Tax Base and Tax Revenue			X			Yes
D	Agricultural or Industrial Production			X			Yes
E	Human Health			X			Yes
F	Access to and Quality of Recreational and Wilderness Activities			X			Yes
G	Quantity and Distribution of Employment				X		Yes
H	Distribution of Population				X		Yes
I	Demands for Government Services			X			Yes
J	Industrial and Commercial Activity				X		Yes
K	Locally Adopted Environmental Plans and Goals			X			Yes
L	Cumulative and Secondary Impacts			X			Yes

**SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS:** The following comments have been prepared by the Department.

**A. Social Structures and Mores**

The addition of the engine/generator would cause no disruption to the social structures and mores in the area because the source is a minor source of emissions (by industrial standards) and would only have intermittent operations. Further, the engine/generator would be required to operate according to the conditions that would be placed in Permit #3822-01. Thus, no native or traditional communities would be affected by the proposed project operations and no impacts upon social structures or mores would result.

**B. Cultural Uniqueness and Diversity**

The impact to cultural uniqueness and diversity of these areas would be minor from the addition of the generator because the site is already used for industrial operations. Additionally, the facility would be considered a portable/temporary source with seasonal and intermittent operations. Therefore, predominant use of the surrounding areas would experience minor change as a result of this project.

**C. Local and State Tax Base and Tax Revenue**

The addition of the engine/generator would have little, if any, impact on the local and state tax base and tax revenue because the engine/generator would be relatively small industrial source (minor source) and would be used on a seasonal and intermittent basis. The facility would not require the addition of any employees. Thus, only minor, if any, impacts to the local and state tax base and revenue could be expected from the employees and facility production. Furthermore, the impacts to local tax base and revenue would be minor because the source would also be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The addition of the engine/generator would have little or no impact on local industrial production since the engine/generator is a minor source of emissions (by industrial standards). There could be minor effects on agricultural land from the deposition of pollutants (as described in Section 7.F of this EA) but, the facility operations would be small and temporary in nature, and would be permitted with operational conditions and limitations that would minimize impacts upon surrounding vegetation (as described in Section 7.D of this EA).

E. Human Health

Permit #3822-01 would incorporate conditions to ensure that the engine/generator would operate in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health. As described in Section 7.F. of this EA, the air emissions from this facility would be minimized by the use of water spray and other conditions that would be established in Permit #3822-01, though the facility's air emissions would be quite small without the use of pollution controls. Therefore, only minor impacts would be expected upon human health from the proposed crushing/screening facility.

F. Access to and Quality of Recreational and Wilderness Activities

The engine/generator would typically operate within the confines of an open-cut pit. Therefore, only minor impacts upon the access to and quality of recreational and wilderness activities would result. Additionally, noise from the facility would be minor because the engine/generator would typically operate within the confines of an existing open-cut pit. Also, the engine/generator would operate on a seasonal and intermittent basis and would be relatively small by industrial standards. Therefore, any changes in the quality of recreational and wilderness activities created by operating the equipment at a given site would be expected to be minor and intermittent.

G. Quantity and Distribution of Employment

The addition of the engine/generator is small and would only require a few existing employees to operate. The engine/generator would power a crushing/screening operation, which is a small, portable source, with seasonal and intermittent operations and would not be expected to have any long-term effects upon the quantity and distribution of employment in any given area of operation. Therefore, no effects upon the quantity and distribution of employment in these areas would be expected.

H. Distribution of Population

The addition of the engine/generator is small and would only require a few existing employees to operate. Also, no individuals would be expected to permanently relocate to a given area of operation as a result of operating the crushing facility, which would have only intermittent and seasonal operations. Therefore, the engine/generator would not disrupt the normal population distribution in a given area of operation.

I. Demands for Government Services

No increases would be seen in traffic on existing roadways in a given area as a result of the addition of the engine/generator. Government services would be required for acquiring the appropriate permits from government agencies and determining compliance with the permits. Overall, the demands for government services would be minor.

J. Industrial and Commercial Activity

The addition of the engine/generator would represent only a minor increase in the industrial activity in any given area because the source would be a minor source (relatively small in size by industrial standards) and would be portable and temporary in nature. No additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans and goals that would affect Johnson Lane. The engine/generator would be allowed, by permit, to operate in areas designated by EPA as attainment or unclassified. Permit #3822-01 would contain limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. Because the engine/generator would be a small and portable source, and would have intermittent and seasonal operations, any effects from the facility would be minor and short-lived.

L. Cumulative and Secondary Impacts

The crushing and screening operation including the additional engine would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate areas of operation because the source is a portable and temporary source. Because the source is relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the facility. Thus, only minor and temporary cumulative effects would result to the local economy.

Recommendation: No Environmental Impact Statement (EIS) is required.

*If an EIS is not required, explain why the EA is an appropriate level of analysis:* The current permitting action is for the construction and operation of a portable crushing/screening facility. Permit #3822-01 includes conditions and limitations to ensure the facility will operate in compliance with all applicable rules and regulations. In addition, there are no significant impacts associated with this proposal.

*Other groups or agencies contacted or which may have overlapping jurisdiction:* Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

*Individuals or groups contributing to this EA:* Department of Environmental Quality – Air Resources Management Bureau, Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: Julie Merkel  
Date: January 8, 2009